

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION[605]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 17A.3 and 34A.22, the Homeland Security and Emergency Management Division gives Notice of Intended Action to amend Chapter 10, "Enhanced 911 Telephone Systems," Iowa Administrative Code.

The Homeland Security and Emergency Management Division proposes to amend the rules that deal with E911 Service Board membership. These amendments will provide clarification as to who is entitled to voting or nonvoting membership, set forth reporting requirements on Board membership, and specify actions to be taken when Board membership does not meet the requirements of the rule.

Additionally, the Division proposes to update and amend a definition to provide clarification on eligible recurring costs.

Finally, the Division proposes to update the mailing address for the Division that is found at various points in the rules.

These proposed amendments have been developed in cooperation with the E911 Communications Council.

Consideration will be given to all written suggestions or comments on the proposed amendments received on or before October 15, 2009. Such written materials should be sent to the E911 Program Manager, Iowa Homeland Security and Emergency Management Division, 7105 NW 70th Ave., Camp Dodge, Building W-4, Johnston, Iowa 50131; fax (515)725-3260.

There will be a public hearing on October 15, 2009, at 10 a.m. in the Homeland Security and Emergency Management Division Conference Room at Camp Dodge, Johnston, Iowa, Building W-4, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements, such as hearing or mobility impairments, should contact the Homeland Security and Emergency Management Division and advise of specific needs.

These amendments are intended to implement Iowa Code chapter 34A.

The following amendments are proposed.

ITEM 1. Amend rule **605—10.2(34A)**, definition of "Recurring costs," as follows:

"Recurring costs" means repetitive charges incurred by a joint E911 service board or operating authority including, but not limited to, database management and personnel directly associated with addressing, lease of access lines, lease of equipment, network access fees, and applicable maintenance costs.

ITEM 2. Amend subrule 10.3(1) as follows:

10.3(1) Membership.

a. Each political subdivision of the state, having a public safety agency serving territory within the county E911 service area, is entitled to one voting membership. For the purposes of this paragraph, a township that operates a volunteer fire department providing fire protection services to the township, or a city that provides fire protection services through the operation of a volunteer fire department not

financed through the operation of city government, shall be considered a political subdivision of the state having a public safety agency serving territory within the county.

b. Each private safety agency, such as privately owned ambulance services, airport security agencies, and private fire companies, serving territory within the county E911 service area, is entitled to a nonvoting membership on the board.

c. Public and private safety agencies headquartered outside but operating within ~~an~~ a county E911 service area are entitled to membership according to their status as a public or private safety agency.

d. A political subdivision that does not operate its own public safety agency but contracts for the provision of public safety services is not entitled to membership on the joint E911 service board. However, its contractor is entitled to one voting membership according to the contractor's status as a public or private safety agency.

e. The joint E911 service board elects a chairperson and ~~cochairperson~~ vice chairperson.

f. The joint E911 service board shall annually submit a listing of members, to include the political subdivision they represent and, if applicable, the associated 28E agreement, to the E911 program manager. A copy of the list shall be submitted within 30 days of adoption of the operating budget for the ensuing fiscal year and shall be on the prescribed form provided by the E911 program manager.

ITEM 3. Amend paragraph **10.4(2)“d”** as follows:

d. The name of the chairperson and ~~cochairperson~~ vice chairperson of the joint E911 service board.

ITEM 4. Amend subrule 10.7(2) as follows:

10.7(2) Adoption by reference. The “Wireless Enhanced 911 Implementation and Operation Plan,” effective February 1, 2000, and available from the Homeland Security and Emergency Management Division, ~~Hoover State Office Building, Des Moines, 7105 NW 70th Avenue, Camp Dodge, Bldg. W-4, Johnston, Iowa,~~ or at the Law Library in the Capitol Building, Des Moines, Iowa, is hereby adopted by reference with the following changes effective May 8, 2002: Section F, provide further clarification of eligible costs for public safety answering points and the Iowa department of public safety; Section G, provide further specification on the surplus payment process for local E911 service boards and the Iowa department of public safety; Attachment A, ensure that the application for surplus payments contains the language contained in Section G. Additional changes effective August 16, 2004: Sections A, D, E, I, J, K, and service area maps, update to reflect changes in the Code of Iowa and to represent the actual 911 operating conditions with the state; Sections F and G, provide further clarification of eligible costs and the payment of those costs.

ITEM 5. Amend subrule 10.8(6) as follows:

10.8(6) Remaining surcharge funds shall be remitted on a calendar-quarter basis within 20 days following the end of the quarter with a remittance form as prescribed by the E911 program manager. Providers shall issue their checks or warrants to the Treasurer, State of Iowa, and remit to the E911 Program Manager, Homeland Security and Emergency Management Division, ~~Hoover State Office Building, Des Moines, Iowa 50319~~ 7105 NW 70th Avenue, Camp Dodge, Bldg. W-4, Johnston, Iowa 50131.

ITEM 6. Amend paragraph **10.11(1)“c”** as follows:

c. For joint E911 service boards, withdrawal of moneys from the E911 service fund shall be made on warrants drawn by the county auditor, per Iowa Code section 331.506, supported by claims and vouchers approved by the chairperson or ~~cochairperson~~ vice chairperson of the joint E911 service board or the appropriate operating authority so designated in writing.

ITEM 7. Amend subrule 10.11(2) as follows:

10.11(2) The E911 service funds shall be subject to examination by the division at any time during usual business hours. E911 service funds are subject to the audit provisions of Iowa Code chapter 11. A copy of all audits of the E911 service fund shall be furnished to the division within 30 days of receipt. If through the audit or monitoring process the division determines that a joint E911 service board ~~or the department of public safety~~ is not adhering to an approved plan or does not have a valid board membership, or if the division determines that a joint E911 service board or the department of

public safety is not using funds in the manner prescribed in these rules or Iowa Code chapter 34A, the administrator may, after notice and hearing, suspend surcharge imposition and order termination of expenditures from the E911 service fund. The joint E911 service board or department of public safety is not eligible to receive or expend surcharge moneys until such time as the E911 program manager determines that the board or department is in compliance with the approved plan, board membership, and fund usage limitations.